

Remarks

Applicants thank the Office for entering the Applicants' response to an Office Action filed before the U.S. Patent and Trademark Office on June 29, 2010, having a return receipt postcard stamped July 2, 2010, by the U.S. Patent and Trademark Office. Claims 1-6, 8-12 and 14-22 were pending in this application. Claims 5, 15, 16, 18 and 20 have been withdrawn from consideration for allegedly being drawn to a non-elected invention and claims 1-4, 6, 8-12 and 14-22 have been rejected. By way of this amendment and response, claims 1, 19 and 21 have been amended to correct certain inadvertent amendment errors and to more fully claim the subject invention and claim 22 has been canceled. Support for the claim amendments and new claims can be found throughout the teachings of the originally filed specification, drawings and claims. *No new matter has been added.*

Information Disclosure Statement

The Office has failed to consider the Information Disclosure Statement mailed June 29, 2010, by the Applicants, alleging that it does not include a concise explanation of the relevance for one or more of the Japanese language documents cited in the Information Disclosure Statement (*i.e.*, references BD, BE and BG).

Applicants respectfully submit that the Applicants are not in possession of partial or complete English language translations of the Japanese language documents cited on the foregoing Information Disclosure Statement. However, Applicants had previously provided a copy of the English language translation of an Office Action mailed in the corresponding Japanese application no. 2006-537485 (see document "CA" listed on Form PTO/SB08 mailed June 29, 2010), which discusses the foregoing Japanese language documents, for the Office's convenience.

Contrary to the Office's contention that there appears to be no explanations for the foregoing cited references, Applicants respectfully submit that references BD, BE and BG correspond to references 3, 4 and 6, respectively in the English language translation of the Office Action dated March 31, 2009, issued in the corresponding Japanese patent application no. 2006-537485. Applicants note that each of these references are discussed

in the English language translation of the Office Action, specifically, references 3 and 4 are discussed at page 2 and reference 6 is discussed at page 3 of the English language translation of the Office Action. For example, references 3 and 4 are discussed as allegedly teaching that "an activated carbon, antibacterial activated carbon and hollow fiber membrane are disposed successively from an upstream side to the downstream side of a raw water passage within a modular case and that the hollow fiber membrane is sanitized with the use of said antibacterial activated carbon." *See*, page 2 of the document "CA" on the Form PTO/SB/O8B mailed June 29, 2010. Further, reference 6 is discussed in the aforementioned English language translation for allegedly discussing "[a] pre-treatment of a separating membrane by using a copper-zinc alloy or a polyphosphate" *See*, page 3 of the document "CA."

As such, it would be clear based on a reading of document "CA," that the aforementioned sections of the document are being relied upon by the Applicants as the basis for their alleged relevancy.

In view of the foregoing, Applicants respectfully request that the Office considers the foregoing references and returns the executed form to the Applicants for their records.

Claim Objections

Claims 1 and 19 have been objected to for various informalities, which resulted due to an inadvertent error on part of Applicants. *See*, page 3 of the Office Action mailed 9/1/2010.

Claims 1 has been amended herein to delete the comma following the phrase "to clean," which the Applicants had previously inadvertently missed and claim 19 has been amended properly, which no longer underlines the term "filtration," but underlines the portions that are being added.

In view of the foregoing claim amendments, Applicants respectfully request reconsideration and withdrawal of the claim objections.

Rejection Under 35 USC § 102

Claims 1-4, 6-11, 14, 17, 19, 21 and 22 have again been rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 4,780,197 in the name of

Schuman (hereinafter referred to as "*Schuman*"), on the grounds that *Schuman* "teaches a module (abstract), which is fully capable of being disposed of, is fully capable of being used for pretreatment, e.g., by using subsequent treatment means (Fig. 2, ref. 84 and col. 6, lines 44 and 45 upstream of Fig. 2, especially ref. 72, 68, 78 and col. 5, lines 19-25), the module comprising a purification pretreatment means (Fig. 2, ref. 56 and col. 4, line 19) and a housing (Fig. 2, ref. 24, including ref. 28 and 94, and col. 3, line 33, 34, and 44 and col. 5, line 48), in which the purification means are housed, and wherein the housing contains from the outset a cleaning agent (Fig. 2, ref. 104 and col. 5, line 61) disposed to be fully capable of coming in contact with a fluid caused to circulate inside the housing after a cleaning cycle has been started." See, pages 3 and 4 of the Office Action mailed 9/1/2010.

Applicants respectfully traverse this rejection at least for the following reasons as well as those articulated in previously filed responses. For a prior art reference to anticipate a claimed invention under 35 U.S.C. §102, the prior art reference must teach *each and every limitation* of the claimed invention. See, *Lewmar Marine v. Barient* 827 F.2d 744, 3 USPQ2d 1766 (Fed. Cir. 1987). As Applicants had previously emphasized and further as discussed in detail *infra*, *Schuman* fails to teach or suggest each and every limitation of the claimed invention.

Applicants respectfully submit that, throughout the prosecution of the instant application, the Office has failed to appreciate the novel and inventive features of the claimed invention as well as the differences between the claimed invention and devices that were in the prior art, including the one disclosed in *Schuman*.

As discussed in previous responses filed by the Applicants as well as herein, the filter and chemical dispenser combination described in *Schuman* is different from the claimed invention both structurally as well as functionally.

To begin with, *Schuman* fails to teach or suggest a pretreatment module which is designed to clean at least a portion of a purification system, as claimed. Instead, *Schuman* describes a **filter and chemical dispenser combination for filtering and chemically treating water in a pool or a spa** (see, Abstract and col. 3, lines 33-34).

It appears that the Office is of the opinion that the chemical dispenser assembly of *Schuman* is equivalent to the claimed disposable pretreatment module. Applicants

disagree with the Office's contention. Based on a reading of *Schuman*, it appears that instead of providing a disposable pretreatment module, *Schuman* discloses a chemical dispenser assembly with an access for a user to replace chemicals and for cleaning the device etc. (see, col. 6, lines 32-50). Accordingly, the chemical dispenser assembly of *Schuman* does not appear to necessarily be disposable in nature, as in case of the claimed module.

Further, the pretreatment module of the claimed invention is designed such that it contains a cleaning agent from the outset to clean at least a portion of the *fluid purification system after a cleaning cycle has been started*. This is in contrast to the teachings of *Schuman*, where there appears to be a "continuous flow of solvent water to the chemical source material for treating the pool or spa water." (see, col. 12, lines 27-30). Therefore, unlike the claimed module, where there is a cleaning agent from the outset for cleaning at least a portion of the purification system downstream of the module, after a cleaning cycle has been started, the system described in *Schuman* does not appear to have any teachings of a cleaning cycle and instead discusses continuous operation.

Lastly, *Schuman* discusses that the chemical dispenser assembly includes a chlorinator body which is placed inside a filter unit having a housing and a pleated filter, where there are two separated fluid paths, one through the pleated filter and one through the chlorinator body (see, e.g., col. 5, lines 19 to 25). In other words, in case of the device of *Schuman*, the fluid paths of fluid through the chlorinator assembly and that through the filter element are separate and parallel. In contrast, in case of the disposable pretreatment module according to the claimed invention, there is a single fluid path of the fluid through the system, where the fluid flows from the pretreatment means into the purification filter (e.g., a tangential flow filter).

Accordingly, because *Schuman* fails to teach or suggest each and every limitation of the claimed invention either explicitly or inherently, it cannot anticipate claim 1 or the remaining claims, each of which depends either directly or indirectly from claim 1.

In view of the foregoing remarks, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 USC § 103

Claim 12 has again been rejected under 35 USC §103(a) as being unpatentable in view of *Schuman* on the basis that “[b]leach is known in the art and the skilled artisan would have found it obvious to use an agent comprising bleach in the module of the Schuman to, e.g., kill bacteria, with a reasonable expectation of success.” See, page 7 of the Office Action mailed 9/1/2010.

Applicants again respectfully traverse this rejection. As discussed above, the device described in *Schuman* is different from the claimed device, both structurally as well as functionally. Accordingly, even if a skilled artisan were to use bleach in the device of *Schuman* instead of chlorine, one of ordinary skill in the art would not have arrived at the claimed invention. Instead, one of ordinary skill in the art would simply be replacing the chlorine in *Schuman* with bleach.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Double Patenting Rejection

Claim 1 has again been rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable in view of claims 1 and 3 of U.S. Patent No. 4,944,875.

Without acquiescing to the validity of this rejection and solely in an effort to expedite allowance of the pending claims, Applicants submit that the Applicants will consider filing a terminal disclaimer once the allowance subject matter has been determined, which will obviate this rejection.

Conclusion

In view of the foregoing amendments and arguments, allowance of the instant application with all pending claims is respectfully solicited. If a telephonic conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at the number below. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 13-3577.

Respectfully submitted
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